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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,664	05/18/2006	Juergen Veit	3632	4804
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743				
EXAMINER				
BINDA, GREGORY JOHN				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,664

Applicant(s)

VEIT ET AL.

Examiner

Greg Binda

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 September 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

2. The replacement drawings filed September 2, 2008 are objected to because:
 - a. Fig. 2 includes a stray marking. Note the “x” at the unidentified feature traversed by the lead lines for reference numerals 15 & 17.
 - b. The drawings fail to show the claimed invention, a machine tool. See “the tool (not shown)” at page 4, line 25.
 - c. The plane from which the sectional view in Fig. 1 has been taken is not indicated by a line in the view from which it was taken.
 - d. Fig. 1 contradicts itself. There is no explanation for why the cross sections of the spur gear 18 at the top and bottom of the figure differ and why the detent disk 10 is not shown at the bottom of the figure.
 - e. Fig. 1 fails to show the disk body with the substantially uniform wall thickness that is recited in claims 14, 20 & 25.
 - f. The recesses recited at claim 18 are not indicated in the drawings.
 - g. The drawings fail to show the front face 13 of the disk body 10 with recesses as recited in claim 22.
 - h. The drawings fail to show the root circle recited in claim 24.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. The claims are objected to as failing to comply with 37 CFR 1.75(i) because elements of the claims are not separated by line indentation.

Claim Rejections - 35 USC § 112

5. Claims 18 & 19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted

structural cooperative relationship is the relationship between the “elements” and the detent disk defined in claim 14.

6. Claims 18, 19, 22 & 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 18 recites the limitation, “an annular surface” but fails to identify the element to which this surface pertains.
- b. Claim 19 recites the limitation, “a periphery” but fails to identify the element to which this periphery pertains.
- c. Claim 22 recites the limitation, “said detent disk [with uniform wall thickness] includes a front face [with cams and/or recesses]”. Claims 18 & 24 recite similarly. It is unclear how the thickness of the disk would remain uniform when its front face includes portions with cams and/or recesses. Cams and recesses in the front face of the disk would necessarily cause the thickness of the disk to vary, not stay uniform.
- d. Claim 24 recites the limitation “the rolling elements” in line 4. There is insufficient antecedent basis for this limitation in the claim.
- e. Claim 24 recites the limitation, “which is similar to that of a root circle of a spur gear toothing of a spur gear.” It is not clear what feature is supposed to be similar or how it is similar.

Claim Rejections - 35 USC § 102

7. Claims 14-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Richardson, US 2,561,136. Figs. 1-3 show a machine tool, comprising an overload coupling including a detent disk 14 configured for interrupting transmission of torque from a drive unit 10 to a tool (see "pickers, harvesters and mowers" in col. 1, line 9), the detent disk including a detent disk body having a substantial uniform wall thickness and an inner circumference; and at least one driving device 17 for driving in a rotary manner and provided on the inner circumference, the driving device being configured as a driving pocket 17. Figs. 1-5 show the detent disk 14 body has a front face (see Fig. 3), further comprising detent cams 21 and recesses 22.

8. Claims 14-17, 20, 21, 23 & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kronert, US 4,734,080. Fig. 2 shows a machine tool, comprising an overload coupling including a detent disk 15 configured for interrupting transmission of torque from a drive unit (see "drive source" in col. 4, lines 11 & 12) to a tool (see "machine" in col. 4, line 13), the detent disk including a detent disk body having a substantial uniform wall thickness and an inner circumference; and at least one driving device for driving in a rotary manner and provided on the inner circumference, the driving device being configured as a driving pocket (see in Fig. 2 the pocket accommodating the packing 18).

9. Claims 14-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagy et al, US 2,744,396. Figs. 1-6 show a machine tool, comprising an overload coupling including a detent disk 2 configured for interrupting transmission of torque from a drive unit 1 to a tool, the detent

disk including a detent disk body having a substantial uniform wall thickness and an inner circumference 4; and at least one driving device 11 for driving in a rotary manner and provided on the inner circumference, the driving device being configured as a driving pocket 11. Figs. 1-6 show the detent disk 2 body has a front face 7, further comprising recesses 8.

10. Claims 14-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Paul, US 2,291,407. Figs. 1-3 show a machine tool, comprising an overload coupling including a detent disk 13 configured for interrupting transmission of torque from a drive unit 10 to a tool, the detent disk including a detent disk body having a substantial uniform wall thickness and an inner circumference 16; and at least one driving device 23 for driving in a rotary manner and provided on the inner circumference, the driving device being configured as a driving pocket 23. Figs. 1-3 show the detent disk 13 body has a front face (page 1, col. 2, line 57), further comprising detent cams 21.

11. Claims 14-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Levedahl, US 1,757,125. Figs. 1 & 2 show a machine tool, comprising an overload coupling including a detent disk 4 configured for interrupting transmission of torque from a drive unit 1 to a tool (page 2, line 42), the detent disk including a detent disk body having a substantial uniform wall thickness and an inner circumference; and at least one driving device for driving in a rotary manner and provided on the inner circumference, the driving device being configured as a driving pocket (see in Fig. 1 the pocket accommodating the screw 6). Figs. 1 & 2 show the detent disk 4 body has a front face , further comprising detent cams 19.

Response to Arguments

12. Applicant's arguments filed September 2, 2008 have been fully considered but they are not persuasive. Applicant argues Richardson fails to anticipate the claims because the keyway 17 is a slot that traverses completely through the disk 14 and therefore is not a driving pocket like that described in the instant specification. However, there is no structural feature associated with the term "pocket" that precludes the keyway 17 from reading on the limitation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Callan shows an overload coupling.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Binda/
Primary Examiner
Art Unit 3679